

| Subgroup 2 – 2024 Terms of Reference (ToR) | |
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| Name of the Subgroup | EMFA – Preparing the transition from ERGA to the European Board for Media Services |
| SG Chair, NRA | Frédéric Bokobza, Arcom (France) |
| Background | <p>For the past two years, ERGA SG2 has been contributing to ERGA’s work to feed in the legislative debate on the European Media Freedom Act (EMFA), which is a key piece of legislation both for the media sector in the EU and ERGA itself given the central place it will be granted in the EMFA governance.</p> <p>In 2022, the SG2 drafted ERGA’s response to the Commission open public consultation on EMFA and then fed into the reflection of the European Commission during the preparation of the impact assessment and the proposal, especially regarding the treatment of media under influence / control of 3rd countries. After the publication of the Commission’s proposal, ERGA adopted its comprehensive position paper regarding EMFA in November 2022.</p> <p>As for 2023, the SG2 activity was very much focused on further ERGA contribution to the legislative debate with the following input: a series of proposals for amendments on key provisions (art. 7-16, 17-18, 23) during the 1st semester, followed by the adoption of an ERGA statement in June. Once the Council and European Parliament adopted their respective positions, ERGA adopted its recommendations for the EMFA trilogues in October in order to restate its support for the file and at the same time reiterate its priorities and suggestions for improvements in this last phase.</p> <p>Along the process, the SG2 Chair, in close coordination with the ERGA Chair, Vice-chair and the rest of the Board as well as some ERGA members, actively engaged in outreach activities in order to promote ERGA’s position towards the key EU stakeholders, notably the co-legislators.</p> |
| Subgroup scope and purpose | <p>With the 3rd trilogue successfully concluded on 15 December 2023, 2024 should be the year of EMFA’s adoption and partial entry into application, and therefore should be a crucial - and last full - year of ERGA’s existence as such. Hence, the objective of SG2 in 2024 will be to prepare for a smooth and effective ERGA transition and upgrade (in terms of resources, missions and independence) towards the European Board for Media Services (EBMS).</p> <p>In continuation with the work carried out by Subgroup 2 in 2023 on the European Media Freedom Act, in 2024 it is proposed for the SG2 to engage in the following workstreams focused on EMFA¹:</p> <p style="padding-left: 40px;">1. EMFA regulation</p> <p>SG2 will continue monitoring the finalization of the EMFA negotiations, which may still finalise the text with technical adjustments at the beginning of the year. Once a final version of EMFA is available, it is proposed to carry out its analysis from the perspective of the ERGA’s positions and recommendations, to provide ERGA</p> |

¹ To be adapted, if needed, once the final EMFA text is available.

members with a deep understanding of the content and implications of EMFA for ERGA, the NRAs and the EU media sector.

In view of the EMFA official adoption and publication, the SG2 will prepare an **ERGA statement** on EMFA in order to welcome this key piece of legislation and announce its preparation for the transition towards the EBMS.

2. EBMS vision and pluriannual strategy

The transition from ERGA to the EBMS will be a turning point and therefore it will be crucial to carry out a strategic thinking regarding the vision of our group of NRAs for the new EBMS, as well as agree on the main priorities of its existence through a new **Statement of Purpose** with a **pluriannual strategy** in order to guide the EBMS's activity in the next few years.

With the intention of developing a well-informed, ambitious and relevant Statement of Purpose for the EBMS, it is proposed for the SG2 to carry out a series of stakeholders' consultations/interviews², which should provide ERGA with precious insights on the expectations of the sector regarding the new EBMS.

3. EBMS internal governance and functioning

Given the numerous new missions and tasks resulting from EMFA and taking into account the current ERGA missions, SG2 will also look into the operational consequences of the creation the EBMS. SG2 will thus **analyse/map the missions of the EBMS** as resulting from the EMFA (as well as the EMFA implications on NRAs' tasks), and propose an **internal structure and functioning** (incl. need for internal/external communication tools) to reflect these new tasks and ensure a relevant and effective organisation.

Moreover, the SG2 will develop the proposals for future **Rules of procedure** for the EBMS, covering also the tasks of the secretariat. This will be carried out by building on the learnings and experience of the ERGA RoP, the implementation of the ERGA MoU as monitored in SG1, the 2023 AG1 work and of course the new procedures, tasks and safeguards resulting from EMFA (such as opinions on various aspects, the future cooperation framework of EMFA, etc.).

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The SG2 work in 2024 will more than ever require an inclusive and active involvement and contribution from SG2 drafters, SG2 members as well as all ERGA members, given the strategic nature of the work to be carried. For the same reason, like in 2023, the work of SG2 will be carried out in close consultation with the ERGA Chair, Vice-Chair and Board.

Nota bene: the below mentioned workstreams and deliverables for the EBMS will be developed in 2024 under the SG2 and will be adopted by ERGA at the December plenary as draft proposals for the EBMS, as these are to be the EBMS constitutive documents which have to be formally adopted by the EBMS itself once it will be set up (most probably in early 2025).

² For instance, with European umbrella associations from the sector such as the EBU, ACT.

Subgroup 2 Deliverables

| WORKSTREAM 1 – EMFA regulation | | |
|---|---------------------------|--|
| Deliverable 1 | Deliverable type | Internal report (for information) |
| | Deliverable title | EMFA – analysis of the final text |
| | Due date | Q1 |
| | Approval procedure | Finalisation at SG2 level (no formal ERGA approval), presentation at the 1 st plenary |
| | Publication | No |
| Deliverable 2 | Deliverable type | Public statement |
| | Deliverable title | ERGA statement on final EMFA |
| | Due date | Upon EMFA publication in the OJEU |
| | Approval procedure | Written procedure |
| | Publication | Yes |
| WORKSTREAM 2 – EBMS vision and pluriannual strategy | | |
| Deliverable 3 | Deliverable type | Statement of Purpose |
| | Deliverable title | Proposal for EBMS Statement of Purpose & multiannual strategy |
| | Due date | December plenary |
| | Approval procedure | Plenary (proposal) |
| | Publication | No (final EBMS Statement of Purpose & multiannual strategy to be adopted and published by EBMS once in place – presumably Q1/2025) |
| WORKSTREAM 3 – EBMS internal governance and functioning | | |
| Deliverable 4 | Deliverable type | Internal report (for information) |
| | Deliverable title | EMFA – mapping of the EBMS's tasks and their implications on NRAs tasks |
| | Due date | S1 |
| | Approval procedure | Plenary |
| | Publication | No |

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| Deliverable 5 | Deliverable type | Internal report |
| | Deliverable title | Proposal for EBMS internal organization and structure |
| | Due date | December plenary (proposal) |
| | Publication | No (final EBMS internal organization and structure to be adopted by EBMS once in place – presumably Q1/2025) |
| Deliverable 6 | Deliverable type | RoP |
| | Deliverable title | Proposal for EBMS Rules of procedure |
| | Due date | December plenary (proposal) |
| | Publication | No (final EBMS Rules of procedure to be adopted and published by EBMS once in place – presumably Q1/2025) |

Workflow for Subgroup 2 (internal and external milestones)

| Date | Action/deliverable | Internal Subgroup only | External CN, Plenary, Publication |
|----------------|---|---------------------------|---|
| 2024 | | | |
| February/March | 1st SG2 meeting <ul style="list-style-type: none"> - Organization of the SG2 2024 work - Analysis of the final EMFA regulation - Discussion on the draft ERGA statement on the final EMFA | All members | |
| April? | Publication of the ERGA statement on the final EMFA | | Written procedure |
| April/May | 2nd SG2 meeting <ul style="list-style-type: none"> • Discussion on the draft outlines of: <ul style="list-style-type: none"> - the Proposal for the EBMS Statement of Purpose & multiannual strategy - the Proposal for the EBMS internal organization and structure - the Proposal for the EBMS Rules of procedure • Discussion on the draft 'EMFA – mapping of the EBMS's and its members' competences and tasks'. | All members | |
| June | ERGA plenary meeting <ul style="list-style-type: none"> • Presentation of the outlines of: <ul style="list-style-type: none"> - The Proposal for the EBMS Statement of Purpose & multiannual strategy - the Proposal for the EBMS internal organization and structure - the Proposal for the EBMS Rules of procedure - Presentation of the analysis of the final EMFA regulation • Adoption of the 'EMFA – mapping of the EBMS's and its members' competences and tasks'. | | CN and Plenary |
| September | 3rd SG2 meeting Discussion on the drafts: <ul style="list-style-type: none"> - the Proposal for the EBMS Statement of Purpose & multiannual strategy | All members | |

| Date | Action/deliverable | Internal Subgroup only | External CN, Plenary, Publication |
|----------|---|---------------------------|---|
| | <ul style="list-style-type: none"> - the Proposal for the EBMS internal organization and structure - the Proposal for the EBMS Rules of procedure | | |
| December | <p>ERGA plenary meeting</p> <p>Adoption of:</p> <ul style="list-style-type: none"> - the Proposal for the EBMS Statement of Purpose & multiannual strategy - the Proposal for the EBMS internal organization and structure - the Proposal for the EBMS Rules of procedure | | CN and Plenary |

Allocated Resources SG2

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| <p>Drafters</p> <p>Members</p> <p>Observers</p> | <p><u>Chair</u>: Frédéric Bokobza, Arcom (France)</p> |
| <p>KommAustria (Austria)</p> <p>DLM (Germany)</p> <p>AGCOM (Italy)</p> <p>CvdM (Netherlands)</p> <p>ERC (Portugal)</p> <p>CNMC (Spain)</p> <p>CMS (Slovakia)</p> | |
| <p>CSA/Medienrat/VRM (Belgium)</p> <p>CEM (Bulgaria)</p> <p>AEM (Croatia)</p> <p>CRTA (Cyprus)</p> <p>RRTV (Czechia)</p> <p>TTJA (Estonia)</p> <p>TRAFICOM (Finland)</p> <p>NCRTV (Greece)</p> <p>NMHH (Hungary)</p> <p>Coimisiún na Meán (Ireland)</p> <p>NEPLP (Latvia)</p> <p>RTK (Lithuania)</p> <p>ALIA (Luxembourg)</p> <p>BA (Malta)</p> <p>KRRiT (Poland)</p> <p>CNA (Romania)</p> <p>AKOS (Slovenia)</p> <p>SAM (Sweden)</p> <p>IMC (Iceland)*</p> <p>NMA (Norway)*</p> | |
| <p>AMA (Albania)</p> <p>CRA (Bosnia & Herzegovina)</p> <p>OFCOM (Switzerland)</p> <p>CA (Moldova)</p> <p>AVMU (North Macedonia)</p> <p>RTUK (Türkiye)</p> | |

* Without voting rights (Article 1 of the ERGA Rules of Procedure)